

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICIA G. WILLIAMS,

Plaintiff,

ORDER

- against -

05 CV 3202 (FB)

TRELLA BERNARD and RAYMOND BERNARD,

Defendants.
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On October 15, 2008, the Court held a status conference in which defendants Trella and Raymond Bernard were directed to suggest several dates in November to depose plaintiff Patricia Williams and third party witness Padmore Williams. On December 3, 2008, defendant Trella Bernard submitted a letter to the Court indicating that Mr. and Mrs. Bernard had proposed several dates for the depositions of Mr. and Mrs. Williams, but that they were unable to secure a date because plaintiff's attorney repeatedly responded to their requests by saying that he could not get in touch with his client. In addition, Trella Bernard complained that all of defendants' interrogatories were sent back unanswered or "categorically denied."

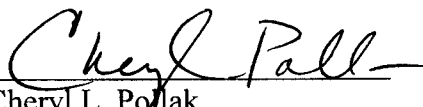
Having reviewed the email correspondence between Trella Bernard and plaintiff's counsel, the Court hereby ORDERS that defendants submit a subpoena to the Court proposing a date for the depositions of Mr. and Mrs. Williams. The Court will "So Order" the subpoena, requiring Mr. and Mrs. Williams to appear for depositions on the proposed date. If Mr. and Mrs. Williams do not appear for the depositions on the date proposed in the subpoena, and plaintiff's counsel does not inform the Court that Mr. and Mrs. Williams cannot be deposed on that date, plaintiff will be ORDERED to pay for the costs of the deposition, as well as the Bernards' travel expenses.

Further, having reviewed Plaintiff's Answers to Defendants' Interrogatories, the Court

finds that it does not have the necessary information to rule on whether plaintiff's responses were adequate. Thus, the Court hereby ORDERS that defendants submit to the Court the interrogatories that they sent to the plaintiff. The Court will review the questions and make a determination at that time as to whether plaintiff's responses were proper.

SO ORDERED.

Dated: Brooklyn, New York
December 24, 2008


Cheryl L. Pollak
United States Magistrate Judge